



**Epping Forest  
District Council**

***Report to the Cabinet***

***Report reference: C-019-2019/20***

***Date of Meeting: 18 November 2019***

**Subject: Statement of Community Involvement**

**Responsible Officer:** Alison Blom-Cooper (01992 564066)

**Democratic Services:** Adrian Hendry (01992 564246)

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**Recommendations/Decisions Required:**

**That the Statement of Community Involvement attached as Appendix A be approved for adoption**

**Executive Summary:**

The preparation of an SCI is a legal requirement of the Planning and Compulsory Purchase Act 2004 (section 18) as amended by the Planning Act 2008, the Localism Act 2011 and the Neighbourhood Planning Act 2017. The legislation requires the Council to prepare a statement setting out how it will notify and consult the community and other stakeholders in the preparation and review of planning policy which includes: the Local Plan; supplementary planning documents; neighbourhood plans; policy such as that contained in master plans; and in the consideration of planning applications. A draft Statement of Community Involvement was considered by Cabinet on 13 June 2019 and it was agreed to publish for a six week period of public consultation. This took place between Monday 1 July 2019 and 13 August 2019. This report sets out the responses to the consultation and proposed final Statement of Community Involvement (SCI) for adoption.

**Reasons for Proposed Decision:**

To comply with the statutory requirement to review the SCI every five years and to update the SCI to include recent changes in legislation and practice.

**Other Options for Action:**

Not to adopt a new SCI. This would mean that the Council is not meeting the legislative requirements and is not seeking an up to date, fit for purpose, statement regarding the engagement of stakeholders and the public in the planning service and system.

**Background:**

1. The Council's Statement of Community Involvement (SCI) explains how it intends to involve the community in the preparation and review of local planning policies and the

consideration of planning proposals. The SCI aims to set out clearly how the Council will engage at each stage of preparation of a Local Plan or other policy document and during the consideration of planning proposals including the pre-application process.

2. The preparation of an SCI is a legal requirement of the Planning and Compulsory Purchase Act 2004 (section 18) as amended by the Planning Act 2008, the Localism Act 2011 and the Neighbourhood Planning Act 2017. The legislation requires the Council to prepare a statement setting out how it will notify and consult the community and other stakeholders in the preparation and review of planning policy which includes: the Local Plan; supplementary planning documents; neighbourhood plans; policy such as that contained in masterplans; and in the consideration of planning applications.

3. In February 2013 the Council adopted a Statement of Community Involvement. Since that time public expectations in respect of engagement in the planning system have risen and many changes have occurred in practice and legislation in the planning system. In addition, the Council increasingly uses electronic communications methods with stakeholders and the general public, and the nature and scale of development in the District is changing with the preparation and examination of the Local Plan Submission Version 2017. For these reasons it is timely to update the Council's SCI.

4. In addition, the national changes to the planning system have been translated in legislation to requirements regarding the content of the SCI. These include:

- a. A statutory requirement to review the SCI every five years.
- b. A requirement that the SCI include the policies of the Council in respect of its duty to give advice and assistance to neighbourhood plan qualifying bodies [Parish and Town Councils] in the preparation and modification of neighbourhood plans.
- c. The introduction of the General Data Protection Regulations (2018) in respect of the handling and storage of data by the Council.

5. This SCI has been written to explain to people who are new to planning what to expect from the Council in their dealings with regard to engaging in planning policy development and the consideration of planning proposals. The front page contains details of how to contact planning officers.

6. The preparation of all planning policy documents that the Council produces must comply with the adopted SCI. For Local Plans this is tested during the Local Plan examination process. It is therefore important that the practices of the Council and the provisions in the SCI reflect each other.

7. The SCI notes the context of the general consultation principles found in the Council's Public Consultation and Engagement Policy and Strategy 2012. It contains sections in respect of Planning Policy, the Harlow and Gilston Garden Town, Neighbourhood Development Plans and Planning Proposals.

8. The Planning Policy section explains with whom the Council is required to engage, the broad stages of plan making and what to expect at each stage. It explains what the Council does with the comments received and issues raised and how the personal details of

those engaging will be kept and handled. The methods of publicity surrounding key stages of plan making are also set out. In addition, the less complex process of production of supplementary planning documents is briefly explained.

9. The Harlow and Gilston Garden Town section is included as it is important to ensure that the public and other stakeholders understand that this is a project resulting from joint local authority working and responsibilities are shared in respect of achieving high quality development on the ground. It sets out the agreed consultation principles with East Herts and Harlow District Councils.

10. The Neighbourhood Development Plan section explains both how the Council will publicise these plans, and the Council commitments to delivering support to Parish and Town Councils in the production of their neighbourhood development plans.

11. The Planning Proposals section encompasses all stages, including the pre application stage of consideration of proposals. It explains the Council's use of masterplans and concept frameworks and importantly, the expectations of the Council in respect of how developers should seek the engagement of communities in the formulation of their proposals on strategic sites as identified in the Local Plan. It notes that Town and Parish Councils will be briefed in this regard prior to the general public engagement that will take place with the neighbouring communities. The role of the Quality Review Panel and its purpose in ensuring development of the highest standard are explained.

12. The full potential process of pre application activity on proposals is set out in the SCI including a brief explanation of the Council's pre application service and the use of planning performance agreements. The role of the Development Management Forum is highlighted whilst the SCI includes signposting to further details in respect of pre application processes.

13. The formal application and post application stages are also explained including how people are notified of applications, determination periods and where decisions are recorded, as well as some detail regarding appeals in respect of decisions. Some detail is also included in a section "Outside the full planning application process" that encompasses prior approvals, permission in principle and the processes associated with Neighbourhood Development Orders and Community Right to Build Orders.

14. As part of the process of production of a Statement of Community Involvement the Council is required to consult stakeholders and the general public on its contents. The Draft Statement of Community Involvement was the subject of public consultation between June and August 2019. Consultation took place by way of notification of all those on the Councils planning policy database, via publicity in social media and through the Councils website. The Council received 26 responses to the consultation document. These are summarised together with the proposed response/alteration to the Statement of Community Involvement in Appendix B. Proposed amendments to the Statement of Community Involvement are shown in italics in Appendix B and as track changes on the SCI document at Appendix A. Cabinet is asked to agree the proposed amendments and incorporate into the proposed Statement of Community Involvement for adoption.

## **Resource Implications:**

The activities in relation to the consultation and publication of the SCI are all to be met within the 2019/20 budget.

## **Legal and Governance Implications:**

The update of the SCI will bring the approach into line with the statutory requirements.

## **Safer, Cleaner, and Greener Implications:**

This relates only in so far as the engagement of stakeholders in the process of planning policy production and planning applications may have positive impacts on these objectives and the consultation will be undertaken on line as far as is possible, saving other resources.

## **Consultation Undertaken:**

The SCI has been developed within the Planning Service and discussed at the Local Plan Officer Working Group and with officers from the Garden Town Team and East Herts and Harlow District Councils.

## **Background Papers:**

Epping Forest District Council Statement of Community Involvement February 2013

## **Risk Management:**

The Council reduces the risk of challenge in respect of the validity of the SCI by updating the document. To avoid the risk of a policy document in production not meeting the requirements of the new SCI the period of consultation and publication have been carefully timed.

# Epping Forest District Council

## Statement of Community Involvement

November 2019

## Introduction

- 1.1 This Statement of Community Involvement (SCI) has been produced by Epping Forest District Council in its role as Local Planning Authority. It explains the processes that the District Council goes through in producing or reviewing planning policy and in determining planning applications.
- 1.2 It sets out how the communities in the District and interested parties can engage in the planning process and make their views known. It explains how their views are taken into account in the planning process and the feedback that those who engage should expect from the Council.
- 1.3 The duties to engage the community in planning matters and to prepare the SCI arise from the Planning and Compulsory Purchase Act 2004 (section 18) as amended by the Planning Act 2008, the Localism Act 2011 and the Neighbourhood Planning Act 2017.

## Contacting us

- 1.4 Should you have any questions about this SCI or wish to be added to the Local Plan consultation database please contact the Planning Policy Team on 01992 564517 or via email to [ldfconsult@eppingforestdc.gov.uk](mailto:ldfconsult@eppingforestdc.gov.uk). You can also contact us via the Main Reception in the Civic Offices, 323, High Street, Epping, Essex CM16 4BZ. You may find the information you are seeking on the Council's website at [www.eppingforestdc.gov.uk](http://www.eppingforestdc.gov.uk). Please contact the Planning Policy Team if you feel that the correct process as set out in this SCI has not been followed.

## Our Communities

- 1.5 Our Communities include all of the individuals, groups and organisations that live, work or operate within the District. Different groups

that make up our communities have different needs and expectations, and their own desires, capabilities and capacity to get involved. The Council seeks to maximise the opportunities for everyone in the communities in the District who want to engage with planning to do so.

## General Consultation Principles

- 1.6 This SCI is produced in the context of the Council's "Public Consultation and Engagement Policy and Strategy" 2012 (<https://rds.eppingforestdc.gov.uk/documents/s4489/Public%20Consultation%20Engagement%20Strategy%20Policy%209821.pdf>) which provides additional detail regarding the Council's approach to public engagement. It includes the commitment that the Council aims to make the most effective use of consultation by:
  - Setting out the Council's commitment to consulting residents and others on issues that affect service provision;
  - Adopting a co-ordinated, strategic approach to consultation that avoids duplication and ensures that results are acted upon wherever possible;
  - Ensuring that engagement is both inclusive and representative;
  - Consulting with our partners where appropriate and taking account of their consultation exercises; and
  - Regularly reviewing our approach to consultation activities so that we learn from and improve them.

## Planning Policy

- 1.7 This section sets out how the Council will engage the public in any review of policies and future policy making. The minimum requirements for public engagement in planning policy making is set out in various legislation and regulations including the Town and Country Planning Act, the Planning and Compulsory Purchase Act, the Environmental Impact Assessment Regulations, the

Conservation of Habitats and Species Regulations, as well as relevant requirements set out under EU Directives. The Council will always meet these requirements and seek to go beyond them where appropriate.

1.8 The Local Plan and any made Neighbourhood Plans form the statutory policy framework within which all decisions on planning applications are made. The Local Plan sets out the principal policies and proposals for land use and development in the District, contains overall vision and objectives, the development strategy for the District, allocates sites for development and presents a suite of policies used in decisions on planning applications. The Local Plan, once adopted must be reviewed to establish whether it requires updating, every five years.

1.9 Supplementary Planning Documents that form guidance based on the Local Plan policies may be produced from time to time.

## Who we will notify, consult and involve in plan making

1.10 In respect of plan making, the Council is required to engage with some groups to meet the regulations. These are set out below:

1.11 **Duty to Co-operate Bodies** - The Localism Act 2011 places a 'duty to co-operate' on local planning authorities and neighbouring authorities and various public bodies for any strategic cross boundary issues. These bodies play a key role in delivering local aspirations, and cooperation between them and local planning authorities is vital in order to make Local Plans as effective as possible. These bodies include:

- The Environment Agency
- Historic England
- Natural England

- Civil Aviation Authority
- Homes England
- Clinical Commissioning Group
- National Health Service
- Office of Rail Regulation
- Highways England
- Adjoining District Councils
- Essex County Council
- South East Local Enterprise Partnership

1.12 **Specific consultation bodies** – are agencies that must be consulted if they are affected by the proposals because they have an interest in the matter. These include organisations such as the Environment Agency and Thames Water.

1.13 **General consultation bodies** – these include town and parish councils, local community or amenity groups, residents' associations, businesses, developers, landowners and other agencies. In particular, the Council will seek to engage with hard-to-reach groups and vulnerable groups.

1.14 **Residents and others with an interest** – those who live, or carry out business in the area.

1.15 The Duty to Co-operate bodies, specific and general consultation bodies are contacted formally by letter or email. Members of the public and/or other interested parties who have registered to be on the Local Plan Consultation database are also notified of any consultation. Members of the public are informed via general publicity in the local newspaper, social media and/or the Council website.

## When and how we will notify, consult and involve people in plan making

- 1.16 Plan making is undertaken in broad stages with the opportunity for the community and relevant stakeholders to engage during the process. This includes the partial update of a plan following the required five yearly review. Whilst the expectation is that engagement is an ongoing process throughout plan making, there are specific periods of consultation that are held.
- 1.17 The Council updates its Local Development Scheme, which is the programme for Local Plan production and review, from time to time. The up to date version of the Local Development Scheme is kept on the Council's website.

### Identifying the content of the Local Plan (or review) evidence gathering and identification of issues:

- The Council researches and gathers evidence to guide the content of the Local Plan. In order to ensure that there is engagement in the preliminary stages of plan making the Council will publicise the start of production of a new Local Plan or the partial update of the current Local Plan in the local press, social media and the Council website. This publicity will invite any interested party to submit their views on the content of the local plan or partial update. The Council will publish these submissions on its website with personal contact details redacted. The Council will publish on its website how it has taken into account these submissions in establishing the content of the new Local Plan or partial update of the existing Local Plan.

- This stage of plan production may involve activities such as the 'Call for Sites' in which interested landowners and their agents are invited to identify their land for future development through publicity in the local press, social media and the Council website. This can occur more than once during the process of production of a plan. Where appropriate individuals and parties on the Council's consultee database will be notified.
- Stakeholder briefings or workshops may be held to ensure that the Council receives the relevant specialist and local opinions at an early stage. Dedicated briefings and workshops may be held for specific evidence base studies. Invitations to attend will depend upon the subject matter and targeted consultation may be undertaken with specific interest groups to sense check the findings, or integrate further information.

- 1.18 The evidence gathering stage is informed by the findings of studies that can give rise to the need for further investigation. When a degree of understanding has been reached regarding the issues that the Local Plan should address the work proceeds to the next stage.



## Production of the Draft Local Plan - considering the policy options available, identifying suitable options and consulting on them.

- The Council develops its ideas and presents a draft plan (or partial review of the plan) for a formal consultation period under Regulation 18 of the Town and County Planning (Local Planning) (England) Regulations 2012. This will last for 6 weeks.
- At this stage the Council will undertake press and social media coverage of the draft plan, publish leaflets and contact those on its database.
- There will be the facility to respond on line, in writing, or by email on the draft proposals. Officers will be available to answer questions face to face. This could be undertaken through public exhibitions, policy 'surgeries' where people can make an appointment to discuss their interests, or by presentations to specific groups.
- The information on the draft plan will be made available in a range of formats including hard copy print and electronic version.

1.19 Following the Regulation 18 consultation period the officers process the representations received. When each consultation response is received, it is logged and the response is given a unique identification number. As part of the process of response to the Regulation 18 Draft plan the respondents will be asked if they agree to their details being saved for the next stage of consultation on the plan and if this is agreed then the contact details will be added to the Local Plan consultation database. The Council's Cabinet will consider a report on the issues raised during the consultation.

1.20 The Council will consider the issues raised, and undertake further work on the plan which may include further evidence gathering before it finalises the Local Plan for the 'publication' stage under Regulation 19.

## Publication of the submission Draft Local Plan for representations

- The Council presents the draft plan (or partial review of the plan) that it intends to submit for examination for a formal representations period under Regulation 19 of the Town and County Planning (Local Planning) (England) Regulations 2012. This will last for 6 weeks.
- This allows respondents to make representations to explain in writing on a specific electronic form (available in a paper format if required) why they consider that the plan meets (or does not meet) the governments requirements for Local Plans and whether they seek to appear at an examination public hearing session. There will be a guidance note to help fill in the form.
- The government requires that the plan (or partial review) will be examined to assess whether it has been prepared in accordance with legal and procedural requirements set down by government and whether it is sound. The tests of soundness that the plan or partial review will be examined against are:
- **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** – deliverable over the plan period, and based on effective joint working on cross- boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework
- The information on the draft plan will be made available in a range of formats including hard copy print and electronic version.

## Examination of the Local Plan

- The Council is required to submit the plan and all of the evidence upon which it is based for examination including the representations to the Regulation 19 Plan. All of this documentation will be included and updated on the Councils website.
- The examination of the plan involves the Inspector considering all of the written material submitted and holding some public hearing sessions.
- The Council will dedicate a section of the website to the Local Plan Examination where all the material and information about the examination will be posted.
- As soon as the Council knows when the public hearing sessions will be held it will publicise these on social media and on the website.
- Those who have indicated a wish to be heard at the public hearing sessions will be contacted by the independent Programme Officer responsible for the administration of the examination.

- 1.21 Any representations made cannot remain confidential as the examination is a public process.
- 1.22 Following the Regulation 19 publication period the officers process the representations received. When each response is received, it is logged, and the response is given a unique identification number. As part of the process of response to the Regulation 19 Draft plan new respondents to the plan will be asked if they agree to their details being saved by the Council and if this is agreed then the contact details will be added to the Local Plan consultation database.
- 1.23 Each response will be posted on the Council’s website with personal contact details redacted. A summary of the main issues raised in the responses, and who was informed, will be submitted to the examiner as part of the process.
- 1.24 The Council will publicise the results of the examination on the website and in the local press and social media.

## Supplementary Planning Documents or Guidance

- 1.25 Supplementary Planning Documents are produced to provide more detail in relation to an adopted local plan policy – they do not set policy. Their production also includes a formal stage of public consultation and the Council must still consider the representations made and summarise the issues raised and how they have been addressed in a public statement. However, these documents do not undergo public examination because they do not set policy.

## Supplementary Planning Documents

- The Council will publicise the production of a new Supplementary Planning Document in the local press, social media and the Council website.
- Depending upon the subject of the Supplementary Planning Document the Council may invite specific groups or organisations with specialist interest in the subject matter to engage in workshops or provide specific evidence to support production of the Supplementary Planning Document or Guidance.
- When the Council has produced its draft Supplementary Planning Document it will undertake press and social media coverage of the draft and contact those on its Local Plan database inviting representations on the draft. There will be a period of 6 weeks to make representations.
- There will be the facility to respond on line to the draft proposals. Officers will be available to answer questions by telephone.
- The representations on the Supplementary Planning Document will all be published on the Council website (with personal contact details redacted).
- A summary of the issues raised and how they are addressed will also be posted on the website.
- The Council will publicise the adoption of the Supplementary Planning Document in the local press, social media and on the Council website. It will inform those who have requested notification of adoption by email or in writing if no email address is available.

1.26 From time to time other guidance may be produced that is agreed by the Council to be a material planning consideration in making decisions on planning proposals or documents. The arrangements for consultation will broadly

follow that for Supplementary Planning Documents but may vary according to the guidance. An example of such guidance is the Spatial Vision

([https://www.eppingforestdc.gov.uk/wp-content/uploads/2019/02/190128\\_Vision-document\\_HIGH-RES.pdf](https://www.eppingforestdc.gov.uk/wp-content/uploads/2019/02/190128_Vision-document_HIGH-RES.pdf)) and Design Guide for the Harlow and Gilston Garden Town ([https://www.eppingforestdc.gov.uk/wp-content/uploads/2019/02/190128\\_Design-Guide-document\\_HIGH-RES.pdf](https://www.eppingforestdc.gov.uk/wp-content/uploads/2019/02/190128_Design-Guide-document_HIGH-RES.pdf)).

## Harlow and Gilston Garden Town

1.27 Harlow and Gilston was designated as a Garden Town in 2017 by the Ministry for Homes, Communities and Local Government. A significant amount of development is proposed in the Garden Town on sites within Epping Forest District, Harlow and East Herts Districts. The allocations are shown in the Local Plan. The three local authorities together with Essex and Hertfordshire County Councils are working together to deliver growth at the Garden Town which reflects local priorities. The individual Councils remain the decision makers for both policy documents and planning applications within their local authority area. The current governance and management arrangements for the Garden Town are available on the website at <http://www.efdclocalplan.org/wp-content/uploads/2019/01/EB1404-Harlow-and-Gilston-Town-Board-Terms-of-Reference-July-2018.pdf>

1.28 The Council has agreed the following consultation principles with Harlow and East Herts Councils which will be taken into account when consulting on policy and other documents and planning applications relating to land and sites which form part of the Garden Town. Further information regarding the details of master plans and the Quality Review Panel is contained in later sections of this Statement of Community Involvement.

## Consultation Principles for the Garden Town

- We will consult statutory consultees, and as appropriate, engage as proactively as possible with relevant local stakeholders and the community (including town and parish councils) in and around the Garden Town, including across District boundaries. The extent of consultation will reflect the scope of a proposal or document.
- We will consult on planning applications for at least the statutory period, but for a longer timescale when appropriate.
- Developer, business or community forums and engagement may be set up/ undertaken to assist the joint working and delivery of the Garden Town.
- Masterplans, design coding and application proposals will be taken to the Garden Town Quality Review Panel (see paragraph 1.32 below)
- Documents relating to the Garden Town area may be endorsed by the Garden Town Board to indicate that they should be taken into account when shaping and informing planning proposals. However, they will need to be approved by the individual local authorities if they are to be material planning considerations in decision making.

## Publicising Neighbourhood Plans

- In line with its statutory duties the Council will publish on its website:
  - The designation of a neighbourhood area including a map showing the extent.
  - Draft proposals produced by the Parish or Town Council provided they comply with the regulatory requirements and representations will be invited including details of how to respond. [Under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012]
  - Details of the examination of the neighbourhood plan.
  - The results of the examination of the neighbourhood plan.
  - Any referendum on a neighbourhood plan and the result.
  - The making of a neighbourhood plan which is the point at which it becomes part of the Development Plan for the District.

## Neighbourhood Development Plans

- 1.29 The production of Neighbourhood Development Plans is the responsibility of the Parish or Town Council in Epping Forest District. However, the District Council has some responsibilities with respect to the process.
- 1.30 Overall the Council has a responsibility to advise and assist groups undertaking all forms of neighbourhood planning. The Councils policy in this respect is set out below:

## Advising and Assisting Neighbourhood Plan Groups

- In line with its statutory duties to advise and assist in neighbourhood planning the Council will either undertake these duties itself, or use the services of another organisation, to:
  - Maintain the neighbourhood planning pages of the District Council website, providing updates on the progress of designated neighbourhood planning areas and the production of any subsequent draft plans or orders;
  - Signpost to useful information and sources of funding provided by other organisations;
  - Share information on planning issues including information and published evidence relating to the Councils Local Plan;
  - Provide advice on key assessments such as the Strategic Environmental Assessment (SEA) and other supporting evidence;
  - Advise on national and local plan policy which any Neighbourhood Development Plan or Order produced would need to have regard to; and
  - Work with Parish and Town Councils through the process, providing advice on the drafting of a project plan in understanding the milestones and work involved.

## Planning Proposals

- 1.31 The engagement of the public and other bodies in the planning process depends upon the size of the proposals, and how controversial and complex the proposals are, (or are likely to be). As a minimum the statutory requirements in force at the time for engaging the public in planning proposals /applications will always be met by the Council. These vary depending upon the stage of the process so for example, whilst pre-application engagement is encouraged it is not a statutory requirement. The following explains the processes undertaken in Epping Forest District including a number of arrangements that occur before a formal application is submitted to the Council for consideration.

## Master Plans and Concept Frameworks

- 1.32 Some developments are complex, and the Council seeks the production and endorsement of a Strategic Masterplan or Concept Framework prior to receiving a formal application for the proposal. These sites are identified in the Local Plan. Master Plans and Concept Frameworks deal with a wide range of matters relating to the development of sites including those that have multiple land owners. They are tools to co-ordinate development and ensure the right infrastructure is provided as well as the design of the development works effectively. Further detailed guidance on these processes is contained in the “Strategic Master Planning Briefing Note” and “Concept Framework Briefing Note” (<https://www.eppingforestdc.gov.uk/planning-and-building/planning-policy/epping-forest-special-area-of-conservation-sac-interim-position-statement-july-2018/>). However, the key principles regarding the expectations of the Council for these engagement activities are set out below:

## Principles of Community and Stakeholder Engagement on Strategic Sites for Developers

- Appropriate effective engagement and consultation will take place with stakeholders and the local community, including Town and Parish Councils, in order to build a sense of community ownership and inform the progress of Strategic Master Plan or Concept Framework;
- The scope, nature and location of consultation and engagement events (including consultation and engagement materials) must be agreed in advance by the Council(s).
- Any consultation and engagement events will be advertised widely to ensure they reach their target audience;
- Any communication or engagement activity will be easily accessible to the community, both through how it's shared and in the way it is written. At each stage it will be made clear whether there is an opportunity to provide comments/ feedback and how these comments will be used or responded to;
- Should engagement be face to face, it will take place within close proximity of the community/stakeholders, such as in a village hall or community centre;
- Timing will be considered to ensure information is supplied with enough notice;
- Communication and engagement will be co-ordinated across Councils (where relevant) and with developers in advance of making arrangements to ensure this can be delivered effectively and does not compete with other planned engagement on the Garden Town or Strategic Masterplanning/ Concept Framework Areas.
- The Council has established a Developer Forum comprising landowners, developers and promoters of sites allocated in the Local Plan for discussion and engagement in relation to policy, guidance and the sharing of information in respect of masterplans and planning applications. A Developer Forum has also been established to cover the Harlow and Gilston Garden Town.

- Town and Parish Councils will be briefed prior to public engagement. Public engagement will occur at two stages of the process:
  - Prior to the finalisation of the Draft Master Plan or Concept Framework through at least one public engagement event or activity e.g. an interactive public exhibition or workshop. In this instance as a minimum the neighbours of the strategic site will be invited to engage.
  - A six-week period of consultation on the Draft Master Plan or Concept Framework that will involve at least a public exhibition and formal methods of collecting views on the Master Plan or Concept Framework through the Councils website. In this instance anyone with an interest in the District will be invited to engage via publicity in the local press, social media and the Councils web site.



## The Quality Review Panel

- 1.33 A Quality Review Panel has been established by Epping Forest, Harlow and East Hertfordshire District Councils to ensure the design and delivery of high quality developments within the Harlow and Gilston Garden Town. The same Quality Review Panel will also review major schemes within Epping Forest District.
- 1.34 The District Council is committed to ensuring that development, including the realisation of strategic, masterplan and major schemes of the highest standard. It is committed to high quality design – in its broadest sense; architectural, urban and landscape design, planning, transport, environment and deliverability will all be essential elements.
- 1.35 The Council will generally expect schemes of more than 50 homes or 5,000 square metres of commercial/ other floorspace to be informed by review which will provide advice and design guidance. Other smaller complex schemes may also be appropriate for review and these include those that have been through Development Management Forum meetings.

The use of the Quality Review Panel is intended to be as early in the design process as possible and therefore early engagement with the panel is advised. The Council may also request a review once an application has been submitted. There are different types of review available. For more information refer “Epping Forest District Quality Review Panel Terms of Reference 2018” and “Harlow and Gilston Garden Town Quality Review Panel Terms of Reference 2018”  
[\(https://www.eppingforestdc.gov.uk/planning-and-building/planning-policy/quality-review-panel/\)](https://www.eppingforestdc.gov.uk/planning-and-building/planning-policy/quality-review-panel/)

## Other Pre-application matters

### Pre-application stage

- Some proposals involve discussion with the Council officers prior to a formal application being submitted either because the developer wants to understand whether the proposals are likely to receive a positive response from the Council or because they are complex and require a lot of details to be resolved before a formal application can be made. In some instances, as previously noted, a masterplan or concept framework is produced by the developer in discussion with the Council.
- The Pre-application service provided by the Council is subject to a fee. It includes consultation with relevant key consultees. In addition, specialist advice regarding matters including listed buildings, landscape and SuDS is provided. Advice on archaeology, highway access/ traffic issues, on major developments is provided separately by Essex County Council or coordinated through a Planning Performance Agreement – see below. The Environment Agency provides separate advice on flooding related issues.
- There is also the ability for applicants to enter into planning performance agreements in respect of their proposals – agreeing a timetable to the determination of a large and complex application which includes pre-application consultations. These planning performance agreements are expected in masterplan areas and on other strategic sites identified in the Local Plan. (For more information please refer to the most recent Council’s “Development Management Pre-Application Advice Charges” documentation).

- Early public engagement on proposals is encouraged and at pre-application stage this is the responsibility of the developer. However, the Council will assist with practical matters such as making space available for meetings as part of the pre-application service. For this purpose, the Council holds **Development Management Forum** meetings, chaired by a senior officer, to facilitate discussion on large scale or contentious proposals. These are usually held at pre-application stage and engage the elected members of the Council and members of the public in discussion on the planning issues relating to proposals. Developers should liaise with the Council to arrange a forum. It is the responsibility of the developer to arrange for leaflets to be distributed to publicise the timing and location of the pre-application discussions at Development Management Forum meetings.
- Following Development Management Forum meetings, it is the expectation that developers will use the Quality Review Panel prior to making a formal application.

It is important to note that pre-application advice represents officer opinion on the proposed scheme and evidence presented at the time. Any advice at this stage is given without prejudice to the formal consideration of any subsequent planning application.

## The formal Planning Application Stage

- 1.36 The methods that will be used to publicise planning applications once they have been formally submitted to the Council for consideration are as follows.

### The Application Stage

- Advertisements will be posted in local papers in the case of applications for development where the application is accompanied by an environmental statement; listed building consent or affecting the setting of a listed building; conservation area consent or affecting the setting of a conservation area; departures from the Local Plan; major developments and those affecting public rights of way. In addition, site notices will be posted at or close to these sites to inform passers-by.
- All other types of development will be publicised with either a site notice and/or a neighbour notification.
- Neighbours to the development site will be notified by letter including those not living within the District boundary. As a minimum the Council will notify all the properties that share a boundary with the site of the planning application.
- Weekly lists of planning applications submitted will be posted on the Council website and emailed to Town and Parish Councils in the District.

- 1.37 The Council will also notify statutory bodies including Town and Parish Councils and infrastructure providers on certain planning applications.

- 1.38 Planning applications can be viewed at the Council Offices or via the Councils website. Neighbours are given 21 days to comment. Written representations can be made -on the Councils website, and by email or by post addressed to the relevant planning officer at the Civic Offices. They should be accompanied by full contact details.



1.39 Details on how to make comments on applications are included in the publication “Making your Views Known – how to comment on planning applications” and in respect of speaking at committees refer to the publication “Your Voice Your Choice – a guide to the Council’s Planning Committees”. In addition, the Council website contains more details on these matters (<https://www.eppingforestdc.gov.uk/wp-content/uploads/2019/06/Your-Voice-Your-Choice-2019-20.pdf>).

1.40 The decision on a planning application is made either by an Area Committee or by officers under delegated powers. Some applications are decided at District Development Committee when they have been referred by an Area Committee or are considered to be a major development of District or wider importance than the Area committee locality.

1.41 The Council should normally determine applications within 8 weeks of accepting them as valid. For major developments this period is 13 weeks however, if the applicant agrees with the Council in writing this period can be extended. If the Council has failed to determine the application within the relevant timeframe an appeal against non-determination can be submitted to the Planning Inspectorate.

The applicant can appeal the decision. For household applications this has to be within 12 weeks of the decision and for other applications the time limit is 6 months. Third parties do not have the right to appeal.

1.42 The appeal process is undertaken by one of three methods: written representations; a public hearing; or a public inquiry. If an appeal has been lodged anyone who has formally commented on the application will be notified. However, they will only be invited to make further comments in the case of appeals relating to non-householder applications. More information regarding these processes are found on the Planning Portal website. (<https://www.planningportal.co.uk/>).

## The Post Application Stage

- The decisions on applications are recorded in the Committee minutes if determined by committee and published on the Website on the application file.

## Outside the full planning application process

### Prior approvals and permission in principle

- In addition to development that does not require a planning permission some development with respect to change of use is allowed subject to a prior approval process under the Town and Country Planning (General Permitted Development) (England) order (2015).
- The Council will consult adjoining neighbours as required by the regulations for all prior approvals. Up to date guidance on prior approvals can be found on the planning portal website. [www.planningportal.gov.uk](http://www.planningportal.gov.uk)
- The Council is required to prepare and maintain a Brownfield Land Register under The Town and Country Planning (Brownfield Land Register) Regulations (2017) and the Town and Country Planning (Permission in Principle) Order (2017). Sites entered on to Part 2 of the register will be granted permission in principle. This will set the fundamental principles of development (use, location, amount of development) for the brownfield site giving applicants more certainty. A developer cannot proceed with development however, until they have also obtained technical details consent. This assesses the detailed design, ensures appropriate mitigation of impacts and secures any necessary contributions to essential infrastructure. Both the permission in principle and technical details consent stages must be determined in accordance with the development plan and the National Planning Policy Framework and other material considerations. The Council will meet the statutory requirements for consultation including contacting parish and town councils under the Neighbourhood Planning Act (2017) in relation to permission in principle.

## Neighbourhood Development Orders

- 1.43 The production of Neighbourhood Development Orders is the responsibility of the Parish or Town Council in Epping Forest District. However, the District Council has some responsibilities with respect to the process. Overall the Council has a responsibility to advise and assist groups undertaking neighbourhood planning. The Councils policy in this respect is found above under 'Neighbourhood Development Plans '.

### Publicising Neighbourhood Development Orders

- In line with its statutory duties the Council will publish on its website:
  - The designation of the area for neighbourhood development order including a map showing the extent.
  - The draft neighbourhood development order provided by the Parish or Town Council provided it complies with the regulatory requirements will be publicised and representations invited including details of how to respond. [Under Regulation 23 of the Neighbourhood Planning (General) Regulations 2012]
  - Details of the examination of the neighbourhood development order.
  - The results of the examination of the neighbourhood development order.
  - Any referendum on a neighbourhood development order and the result.
  - The making of a neighbourhood development order which is the point at which it grants planning permission for the developments specified.

## Community Right to Build Orders

- 1.44 A community right to build order is a particular type of neighbourhood development order that grants specific development on a specified site.

### Publicising Community Right to Build Orders

- In line with its statutory duties the Council will publish on its website:
  - The draft community right to build order provided by the Parish or Town Council or Community Organisation provided it complies with the regulatory requirements will be publicised and representations invited including details of how to respond. [Under Regulation 23 of the Neighbourhood Planning (General) Regulations 2012]
  - Details of the examination of the community right to build order
  - The results of the examination of the community right to build order.
  - Any referendum on a community right to build order and the result.
  - The making of a community right to build order which is the point at which it grants permission for the development specified.

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